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-ONLY ADMITTED IN NEW YORK

PLEASE REPLY TO ROSELAND, NJ

September 17, 2012

### VIA ECF AND REGULAR MAIL

Hon. Kevin McNulty, U.S.D.J.  
United States District Court for the District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street, Newark, NJ 07101

**Re: *Montvale Surgical Center a/s/o Susan S. et al. v. Aetna Ins. Co., Inc. et al.,***  
**Civ. No. 12-2935 (KM/JAD)**

Dear Judge McNulty:

This firm represents Defendant Aetna Life Insurance Company (incorrectly pled as "Aetna Insurance Company, Inc.") (hereinafter "Aetna") in the above-referenced matter over which Your Honor presides. Enclosed please find one courtesy copy of the following documents related to Aetna's Consent Motion to Consolidate that was filed today in the above-captioned case pursuant to Federal Rule of Civil Procedure 42 and Local Civil Rule 42.1:

- Notice of Aetna's Motion to Consolidate;
- Letter Brief in Support of Aetna's Motion to Consolidate;
- Proposed Order of Hon. Kevin McNulty, U.S.D.J.;

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- Proposed Order of Hon. Jermome B. Simandle, C.J.U.S.D.C., Reassigning Case<sup>1</sup>;
- Accompanying Certificate of Service.

Of course, if Your Honor or Your Honor's staff has any questions related to this Consent Motion to Consolidate, please don't hesitate to contact me.

Respectfully submitted,

s/ Edward S. Wardell

Edward S. Wardell

Encls.

cc: Hon. Jerome B. Simandle, C.J.U.S.D.C.  
All Counsel of Record (via ECF)<sup>2</sup>

ESW/pxm

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<sup>1</sup> Local Civil Rule 42.1 and related jurisprudence indicates that in the District of New Jersey, the Judge assigned to the case with the earliest docket number decides the substantive issue of whether cases should be consolidated. Pursuant to L. Civ. R. 40.1(e), however, the reassignment of cases within this District is exclusively at the discretion of the Chief Judge. Accordingly, Aetna has included two proposed orders with the present Motion to Consolidate: (1) an order directed to Judge McNulty pursuant to L. Civ. R. 42.1 that grants Aetna's Motion to Consolidate; and (2) an order directed to Chief Judge Simandle pursuant to L. Civ. R. 40.1(e) that reassigns the relevant cases to Judge McNulty if Aetna's Motion to Consolidate is granted.

<sup>2</sup> Pursuant to Local Civil Rule 42.1, a copy of this letter will also be served upon the Clerk for filing on the docket of the following cases for which consolidation with the above-captioned case is sought in this motion: (1) *Montvale Surgical Center, LLC a/s/o Christopher K. et al. v. Aetna Ins. Co. et al.*, Civ. No. 12-3676 (SRC/CLW); (2) *Montvale Surgical Center, LLC a/s/o Shawn S. et al. v. Aetna Ins. Co. et al.*, Civ. No. 12-3684 (DRD/PS); (3) *Montvale Surgical Center, LLC a/s/o Joseph K. et al. v. Aetna Ins. Co. et al.*, Civ. No. 12-3687 (KM/MF); (4) *Montvale Surgical Center, LLC a/s/o Robert E. v. Aetna et al.*, Civ. No. 12-3690 (ES/CLW); (5) *Montvale Surgical Center, LLC a/s/o Dorothea Y. v. Aetna et al.*, Civ. No. 12-3733 (CCC/JAD); (6) *Montvale Surgical Center, LLC a/s/o Shirley F. et al v. Aetna Ins. Co. et al.*, Civ. No. 12-3773 (CCC/JAD); (7) *Montvale Surgical Center, LLC a/s/o Donald J. v. Aetna Ins. et al.*, Civ. No. 12-4285 (KSH/PS); (8) *Montvale Surgical Center, LLC a/s/o Ana J. et al. v. Aetna Ins. et al.*, Civ. No. 12-4286 (KM/JAD).